REMARKS/ARGUMENTS

In the Office Action mailed December 14, 2005, claims 1-22 were rejected. Applicants have thoroughly reviewed the outstanding Office Action including the Examiner's remarks and the references cited therein. The following remarks are believed to be fully responsive to the Office Action. All the pending claims at issue are believed to be patentable over the cited references.

STATUS OF THE CLAIMS

Claims 1-22 remain pending in the application and are believed to be patentable over the cited prior art. Claim 1 is amended solely to correct informalities. No claims are added. No claims are cancelled.

INTERVIEW SUMMARY

Applicants respectfully thank the Examiner for meeting with Applicants' representative on March 22, 2006. During the in-person interview having no exhibit or demonstration, Applicants' representative and Examiner discussed whether United States Patent No. 6,543,282 to Thompson ('*Thompson*"), a reference used to reject independent claims 1, 16, and 21 under 35 U.S.C. §103, *teaches away* from Applicants' claimed invention.

Applicants' representative noted that Applicants' claimed invention makes airflow detections based, in part, on an ambient condition as determined by a second element, which is **discouraged** by *Thompson* because an ambient condition can vary. Instead, *Thompson* teaches that it is **necessary** to heat the second element to an above-ambient temperature and, thereby, obviate inaccuracies due to fluctuations in the ambient environment. In support of this assertion, Applicants' representative directed Examiner's attention to *Thompson* at col. 7, lines 66-67; col. 8, lines 1-10, which states, "[i]n order to get good performance for all temperature combinations,

it is **necessary** to maintain a constant temperature of the [second] sensor element . . . [t]he distinctive characteristic of the new concept is that it . . . operate[s] at a [constant] temperature that is above ambient in order to compensate for varying ambient conditions." *Thompson* discourages Applicants' claimed invention, which makes airflow detections based, in part, on an ambient condition as determined by a second element because an ambient condition can vary. And, according to *Thompson*, varying-ambient conditions cause inaccurate-airflow detections. *Thompson* at col. 2, lines 51-68; col. 3, lines 1-13. In fact, because *Thompson* teaches that it is "**necessary**" to heat the second element to an above-ambient temperature, it would be impossible to use the second element of *Thompson* to determine an ambient condition, which is claimed in the present invention.

Examiner favorably acknowledged the persuasiveness of Applicants' argument by recognizing that *Thompson* does teach that it is "**necessary**" to heat the second element to an above-ambient temperature. Thus, Applicants asserted that *Thompson* discourages using the second element to determine an ambient condition. Applicants respectfully requested, but did not receive, removal of the rejection to claims 1, 2, 8, 10-11, 12, 16, and 21-22 under 35 U.S.C. §103 because *Thompson* teaches away from the claimed invention.

CLAIM OBJECTIONS

Claim 1 stands objected to because the word "senor" in line 5 should be "sensor." Applicants have amended claim 1 to correct this informality. In view of the amendment, Applicants respectfully request removable of the objection.

CLAIM REJECTIONS – 35 U.S.C. §103(a)

I. Claims 1, 2, 8, 10-11, 12, 16, and 21-22

Claims 1, 2, 8, 10-11, 12, 16, and 21-22 stand rejected under 35 U.S.C. §103(a) as being unpatentable over United States Patent No. 5,451,929 to Adelman *et al.* ("*Adelman*") in view of United States Patent No. 6,543,282 to Thompson ('*Thompson*").

Applicants respectfully traverse this rejection, at the least, because *Thompson* teaches away from the claimed invention. A reference teaches away "when a person of ordinary skill, upon reading the reference . . . would be led in a direction divergent from the path that was taken by the applicant." *In re Gurley*, 27 F.3d 551, 553 (Fed. Cir. 1994). After reading *Thompson*, one skilled in the art would be led in a direction divergent from "an airflow monitor that is configured to detect changes in the airflow . . . a second element exposed to an ambient environment . . . the second element is configured to determine an ambient condition," as recited in claims 1, 16, and 21 of the present invention because *Thompson* discourages determining an ambient condition to detect airflow changes because ambient conditions tend to vary and cause inaccurate-airflow detections. *Thompson* at col. 2, lines 51-68; col. 3, lines 1-13.

In other words, the claimed airflow monitor makes airflow detections based, in part, on an ambient condition as determined by a second element. *Thompson* discourages making airflow detections based, in part, on an ambient condition as determined by a second element because an ambient condition can vary. And, according *Thompson*, varying-ambient conditions cause inaccurate-airflow detections. *Thompson* at col. 2, lines 51-68; col. 3, lines 1-13.

Instead, and as acknowledged by Examiner Blount during the March 22, 2006 interview with David Annis, *Thompson* teaches that, to compensate for varying-ambient conditions and to get good performance, it is **necessary** to heat the second element to an above-ambient

temperature and constantly maintain the second element at the above-ambient temperature. *See Thompson at col. 7, lines 66-67; col. 8, line 1.* Moreover, *Thompson* discloses, "the **distinctive characteristic of the new concept** is . . . operat[ing] at a fixed temperature that is above ambient in order to compensate for varying ambient conditions." *See Thompson at col. 8, lines 7-10; col. 2, lines 51-68; col. 3, lines 1-13.*

In sum, *Thompson* teaches away from an airflow monitor configured to make airflow detections based, in part, on an ambient condition as determined by a second element and, instead, teaches an airflow monitor configured to make airflow detections based, in part, on an above-ambient condition as determined by a second element heated to an above-ambient condition to preclude inaccuracies resulting from a varying-ambient condition.

In view of the foregoing, withdrawal of the 35 U.S.C. §103(a) rejection to independent claims 1, 16, and 21 as being unpatentable over *Adelman* in view of *Thompson* is respectfully requested. Furthermore, claims 2, 8, 10-11, 12, and 22 depend from one of claims 1, 16, and 21 and, therefore, include all of the features recited in one of claims 1, 16, and 21. It is therefore respectfully submitted that these claims are patentable over *Adelman* in view of *Thompson* for at least the same reasons as discussed in response to the rejection of claims 1, 16, and 21 as being unpatentable over *Adelman* in view of *Thompson*. In light of the foregoing, withdrawal of the 35 U.S.C. §103(a) rejection to claims 2, 8, 10-11, 12, and 22 as being unpatentable over *Adelman* in view of *Thompson* is respectfully requested.

II. Claims 4-7, 13, and 17-19

Claims 4-7, 13, and 17-19 stand rejected under 35 U.S.C. §103(a) as being unpatentable over *Adelman* in view of *Thompson* as applied to claims 1 and 16. Applicants respectfully

traverse this rejection because claims 4-7, 13, and 17-19 depend from one of independent claims 1 and 16 and, therefore, include all of the features recited in one of claims 1 and 16. It is therefore respectfully submitted that these claims are patentable over *Adelman* in view of *Thompson* as applied to claims 1 and 16 for at least the same reasons as discussed in response to the rejection of claims 1 and 16 as being unpatentable over *Adelman* in view of *Thompson*. In light of the foregoing, withdrawal of the 35 U.S.C. §103(a) rejection to claims 4-7, 13, and 17-19 as being unpatentable over *Adelman* in view of *Thompson* as applied to claims 1 and 16 is respectfully requested.

III. Claims 3, 14-15, and 20

Claims 3, 14-15, and 20 stand rejected under 35 U.S.C. §103(a) as being unpatentable over *Adelman* in view of *Thompson* as applied to the claims above, and further in view of United States Patent No. 6,107,925 to Wong ("*Wong*"). Applicants respectfully traverse this rejection because claims 3, 14-15, and 20 depend from one of independent claims 1 and 16 and, therefore, include all of the features recited in one of claims 1 and 16. It is therefore respectfully submitted that these claims are patentable over *Adelman* in view of *Thompson* as applied to the claims above, and further in view of *Wong* for at least the same reasons as discussed in response to the rejection of claims 1 and 16 as being unpatentable over *Adelman* in view of *Thompson*. In light of the foregoing, withdrawal of the 35 U.S.C. §103(a) rejection to claims 3, 14-15, and 20 as being unpatentable over *Adelman* in view of *Thompson* as applied to the claims above, and further in view of *Wong* is respectfully requested.

IV. Claim 9

Claim 9 stands rejected under 35 U.S.C. §103(a) as being unpatentable over *Adelman* in view of *Thompson* as applied to the claims above, and further in view of United States Patent No. 5,217,513 to Armbruster ("*Armbruster*"). Applicants respectfully traverse this rejection because claim 9 depends from independent claim 1 and, therefore, include all of the features recited in claim 1. It is therefore respectfully submitted that claim 9 is patentable over *Adelman* in view of *Thompson* as applied to the claims above, and further in view of *Armbruster* for at least the same reasons as discussed in response to the rejection of claim 1 as being unpatentable over *Adelman* in view of *Thompson*. In light of the foregoing, withdrawal of the 35 U.S.C. §103(a) rejection to claim 9 as being unpatentable over *Adelman* in view of *Thompson* as applied to the claims above, and further in view of *Armbruster* is respectfully requested.

CONCLUSION

In view of the foregoing remarks, Applicants respectfully request the objections and rejections to the claims be removed. If, for any reason, the Examiner disagrees, please call the undersigned patent agent at 202-861-1561 in an effort to resolve any matter still outstanding before issuing another action. The undersigned patent agent is confident that any issue which might remain can readily be worked out by telephone.

In the event this paper is not timely filed, Applicants petition for an appropriate extension of time. Please charge any fee deficiencies or credit any overpayments to Deposit Account No. 50-2036 with reference to Attorney Docket No. 87319.4340.

Respectfully submitted,
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